

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

INNOVATION VENTURES, LLC D/B/A
LIVING ESSENTIALS,
Plaintiff,

v.

ULTIMATE LIFESTYLES, LLC AND
CUSTOM NUTRITION LABORATORIES, LLC
Defendants.

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CIVIL ACTION NO. 4:08-CV-232

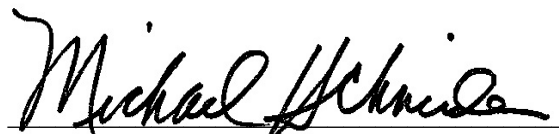
**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 16, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff Living Essentials' Application for Second Preliminary Injunction (Dkt. 58) be DENIED.

The Court, having made a *de novo* review of the objections raised by Plaintiff and Defendants' response to those objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit as to the ultimate conclusion and recommendation of the Magistrate Judge. The Court agrees that Plaintiff has not satisfied its burden in seeking injunctive relief. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court, and Plaintiff Living Essentials' Application for Second Preliminary Injunction (Dkt. 58) is DENIED.

IT IS SO ORDERED.

SIGNED this 26th day of May, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE